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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/048,022	06/14/2002	Charles Lerman	P 0290430	1233
909	7590	01/11/2006	EXAMINER	
PILLSBURY WINTHROP SHAW PITTMAN, LLP			NGUYEN, CINDY	
P.O. BOX 10500			ART UNIT	
MCLEAN, VA 22102			PAPER NUMBER	

2161

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/048,022

Applicant(s)

LERMAN, CHARLES

Examiner

Cindy Nguyen

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 49-75 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 49-75 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 October 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is in response amendment filed 06/29/05..

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

the claimed invention is directed to non-statutory subject matter. Claims 49-66 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding claims 49-66 only recites an abstract idea. The recites steps of merely operating on data and the steps does not apply, involve, use, in a computer, since all the recited steps can be performed in the mind of the user or by use of a pencil an paper. These steps only constitute an idea of how to applying the grouping rule to the numerical data.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 49-51, 57-60, 66-69 and 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taniguchi et al. (US 5764975) provided by Applicant in view of Zellweger et al. (US 6185582) (Zellweger) provided by Applicant.

Regarding claims 49, 58 and 67, Taniguchi discloses: A method, a system and a computer-readable memory medium with program data representing a computer program that can cause a computer to implement a method of operating on data, comprising:

providing at least one user-defined grouping rule for grouping numerical data into a user-definable number of groups (col. 8, lines 34-67, Taniguchi); and

applying at least one of the grouping rules to the numerical data (col. 8, lines 53 to col. 9, lines 17, Taniguchi);

However, Taniguchi didn't disclose: wherein the at least one grouping rule defines at least one breakpoint corresponding to the user-definable number of groups, the at least one breakpoint defining numeric ranges of said numerical data, and wherein application of the at least one rule to the numerical data divides the data into groups based on the at least one breakpoint to reduce the resolution of the numerical data

wherein the grouping of the data is visualized by associating colors to the data groups. On the other hand, Zellweger discloses: wherein the at least one grouping rule defines at least one breakpoint corresponding to the user-definable number of groups, the at least one breakpoint defining numeric ranges of said numerical data, and wherein application of the at least one rule to the numerical data divides the data into groups based on the at least one breakpoint to reduce the resolution of the numerical data wherein the grouping of the data is visualized by associating colors to the data groups (col. 10, lines 11-40, Zellweger). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include the at least one breakpoint defining numeric ranges of said numerical data, and wherein application of the at least one rule to the numerical data divides the data into groups based on the at least one breakpoint to reduce the resolution of the numerical data wherein the grouping of the data is visualized by associating colors to the data groups in the system of Taniguchi as taught by Zellweger. The motivation being to enable the user can quickly see how the sheet is structured, facilitating appreciation of overall spreadsheet constraint graph structure and any data or constraint graph editing.

Regarding claims 50, 59 and 68, all the limitations of these claims have been noted in the rejection of claims 49, 58 and 67 above, respectively. In addition, Taniguchi/Zellweger discloses: wherein the data are provided in a table and wherein the at

least one grouping rule applies to at least one user selectable column of the table (col. 35, lines 1-21, Taniguchi).

Regarding claims 51, 60 and 69, all the limitations of these claims have been noted in the rejection of claims 49, 58 and 67 above, respectively. In addition, Taniguchi/Zellweger discloses: presenting the grouped data in a manner that visually distinguishes the groups (col. 9, lines 1-6, Taniguchi).

Regarding claims 57, 66 and 75, all the limitations of these claims have been noted in the rejection of claims 49, 58 and 67 above, respectively. In addition, Taniguchi/Zellweger discloses: wherein the number of groups is fewer than a number of possible data (col. 30, lines 65 to col. 31, lines 8, Taniguchi).

Claims 52-56, 61-65 and 70-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taniguchi et al. (US 5764975) provided by Applicant in view of Zellweger et al. (US 6185582) (Zellweger) provided by Applicant and further in view of Nomura et al. (US 5877772) (Nomura).

Regarding claims 52, 61 and 70, all the limitations of these claims have been noted in the rejection of claims 51, 60 and 69 above, respectively. However, Taniguchi/Zellweger didn't disclose: wherein the grouping rules associate colors with groups and wherein the presenting of the grouped data further comprises coloring an aspect of the data according to the rules. On the other hand, Nomura discloses: wherein the grouping rules associate colors with groups and wherein the presenting of the grouped data further comprises coloring an aspect of the data according to the rules (col. 19, lines 59 to col. 20, lines 45,

Nomura). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include the steps coloring an aspect of the data according to the rules in the system of Taniguchi as taught by Nomura. The motivation being to enable the system the color arrangement rules for coloring of regions of the text picture wherein the densities of colors assigned to regions of the text are determined in accordance with the areas of the regions.

Regarding claims 53, 62 and 71, all the limitations of these claims have been noted in the rejection of claims 51, 60 and 69 above, respectively. In addition, Taniguchi/Zellweger/Nomura discloses: wherein the data are in labeled columns in a spreadsheet (col. 9, lines 35-52, Zellweger), and wherein the at least one grouping rule specifies at least one breakpoint and a corresponding color for each at least one breakpoint, and wherein the presenting of the grouped data comprises coloring each data item in the at least one labeled column of the data based on the at least one breakpoint and the corresponding color of the at least one breakpoint (col. 19, lines 59 to col. 20, lines 40, Nomura (col. 9, lines 1-6, Taniguchi).

Regarding claims 54, 63 and 72, all the limitations of these claims have been noted in the rejection of claims 49, 58 and 67 above, respectively. In addition, Taniguchi/Zellweger /Nomura discloses: further comprising providing a rule for grouping textual data, the rule defining at least one breakpoint based on textual values (col. 20, lines 45-63, Nomura).

Regarding claims 55, 64 and 73, all the limitations of these claims have been noted in the rejection of claims 49, 58 and 67 above, respectively. In addition,

Taniguchi/Zellweger /Nomura discloses: wherein the at least one breakpoint is determined automatically based on the data (col. 29, lines 4-18, Nomura).

Regarding claims 56, 65 and 74, all the limitations of these claims have been noted in the rejection of claims 49, 58 and 67 above, respectively. In addition, Taniguchi/Zellweger /Nomura discloses: wherein the data are provided in a table, wherein the coloring of an aspect of the data comprises: coloring backgrounds of table cells according to the rules(col. 19, lines 59 to col. 20, lines 45, Nomura).

Contact Information


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 571-272-4025. The examiner can normally be reached on M-F: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CN

Cindy Nguyen
January 5, 2006


MOHAMMAD ALI
PRIMARY EXAMINER